

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DOUGLAS O'MEARA and LINDSAY
O'MEARA,

Plaintiffs,

vs.

PRICELINE LOGISTICS LLC, a
foreign corporation, et al.,

Defendants.

4:22-CV-3147

ORDER

This matter is before the Court on the Magistrate Judge's Findings and Recommendation ([filing 8](#)), recommending that the Court dismiss the plaintiffs' case for failure to serve process. There has been no objection. *See* [28 U.S.C. § 636\(b\)\(1\)](#); [NECivR 72.2](#). The parties were expressly notified that "failing to file an objection to this recommendation as provided in the local rules of this court may held to be a waiver of any right to appeal the court's adoption of the recommendation." [Filing 8 at 2](#). And when a party fails to timely object to the report and recommendation of a magistrate judge, the party waives its right to de novo review by the district court of any portion of the report and recommendation. *United States v. Wise*, [588 F.3d 531, 537 n.5 \(8th Cir. 2009\)](#).

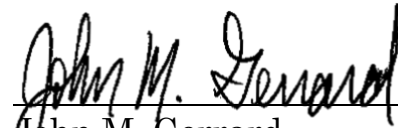
In the absence of any response from the plaintiffs, there's no basis to find good cause or excusable neglect for failing to serve process. *See* [Fed. R. Civ. P. 4\(m\)](#); *Kurka v. Iowa Cty.*, [628 F.3d 953, 957 \(8th Cir. 2010\)](#). The Court finds that the Magistrate Judge's recommendation should be adopted and this case dismissed. Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's findings and recommendation ([filing 8](#)) are adopted.
2. The plaintiffs' complaint is dismissed without prejudice.
3. A separate judgment will be entered.

Dated this 21st day of February, 2023.

BY THE COURT:



John M. Gerrard
Senior United States District Judge